

have a very busy week planned with the three matters I have mentioned.

In addition, I hope we will be able to proceed with appointing conferees to the pensions bill as well. It will be a full week, and I will be updating Members as the week progresses, but it will be a week that will require votes today, Tuesday, Wednesday, Thursday, and Friday to complete our business.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, how many votes does the majority leader intend to have tonight?

Mr. FRIST. Mr. President, through the Chair in response, it really depends on how many of these motions we have. They are coming from the Democratic side of the aisle, and although a list has been provided, how many actually will require a vote—I would think we would have at least two tonight, and then if there are a lot of motions, we would have to have more tonight because we do need to complete whatever votes there are tomorrow and then get back to the asbestos bill in the morning to continue to address the waiver of the point of order.

Mr. REID. Mr. President, the distinguished majority leader mentioned the PATRIOT Act. While the Presiding Officer is in the chair, I express my personal appreciation for the many hours of work he put forth in resolving the PATRIOT Act dispute. It was a bipartisan problem. The distinguished junior Senator from New Hampshire worked long and hard to come up with a conclusion. I appreciate being advised during the process as he was visiting with the White House. Of course, as has been said, the Presiding Officer didn't get everything he wanted, certainly I didn't, but it is a much better piece of legislation than when it came back from the House. So I compliment and applaud the Senator from New Hampshire for his hard work.

I say through the Chair to the distinguished majority leader, we are ready to move forward on this legislation. As has been explained by the Senator from Tennessee, we have at least one Senator who is going to make us go through all the procedural hoops, so that will take some time. But the vast majority of the Senators over here want this matter to move forward, and we will offer help in any way we can to move this along, with the understanding that there are some who want to make sure that all of the procedural hoops are jumped.

Mr. FRIST. Mr. President, in brief response, as I outlined, we are ready pretty soon to go to the PATRIOT Act. I agree, the negotiations which have taken place under the leadership of the Presiding Officer have gone smoothly, and I think we are going to have an overwhelming vote in the Senate. The House, through their leadership, has expressed support, as I believe the administration has. So I do wish to make a request of our colleagues that although there are procedural hoops which we can be made to jump

through, I don't think it is in the best interests of the American people to unduly delay this important bill that essentially, at least by statements today, is going to have overwhelmingly, strong support.

We do have a lot to do this week, and we will use the time as effectively and efficiently as possible. But if we keep having delays such as people coming back tonight to vote on motions to instruct, on which we could argue as to how useful that actually is, or we have too many procedural roadblocks based on this bill, it is going to be impossible for us to move ahead and move the country forward when we have so much important legislation. So I think we can complete all of our business this week, but it is going to take a lot of cooperation on both sides of the aisle not to throw too many procedural roadblocks in front of us.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### SENATE AGENDA

Mr. REID. Mr. President, we do have eight motions to instruct. I doubt very seriously there will be any others. I will say this: This is the procedure, and if the minority wanted to stall this budget reconciliation conference, we could do that. Under the rules of the Senate, we could have, instead of the 8 motions to instruct, 80 or 800. We are not in any way trying to prevent this legislation from going through. As bad as it is, we recognize that we have had a fair shot at it on the floor on a number of occasions. But the eight instructions are instructions that are well taken, and we hope the conferees will follow these instructions. We don't know if any of them will be agreed to. We certainly hope so, but it is certainly something that is worth debating.

I was surprised to hear that the distinguished majority leader, when he announced we were going to this piece of legislation, this budget matter, did not call it what it has been called for more than a year; that is, the Budget Deficit Reduction Act of 2005. I guess everyone has come to the realization that the Budget Deficit Reduction Act does not reduce the deficit; it increases it by \$50 billion. And I guess there has been a change of name, calling it the Taxpayer Relief Act. I guess if you are rich, it is a Taxpayer Relief Act, but for the poor and middle class, it increases the deficit and it is not a fair piece of legislation.

On asbestos, I believe there are two groups of people who really need to make sure Congress takes care of them: those people who, through no fault of their own, get the dreaded mesothelioma and they die, and asbes-

tosis, which is aggravating and serious, and they die; one just takes longer than the other. The goal of the Senate should be to make sure these two groups of victims are compensated for their pain and suffering, which came about through no fault of their own. What we want to try to avoid are the bad cases, the ones that are taking too much of the court's time and taking valuable resources from these people who are really sick.

I made a commitment to the junior Senator from Texas, Mr. CORNYN, that I believe we need asbestos legislation. I really do believe that. I have told him I would be happy to work with him and Senator DURBIN, as my designee, to try to come up with legislation that is patterned after successful programs in Illinois and Texas, where there is medical criteria set up.

For example, in Illinois, they have a pleural registry where people are able to list their names if they work around asbestos, the statute of limitations is tolled, and then if something happens to them down the road, they are not prevented from going to court as a result of the statute of limitations. It would do away with the bad cases.

As I said, we are committed to coming up with legislation such as that. Senator CORNYN offered some, but there wasn't an ample amount of time to debate his suggestion, and that is too bad. But we are willing to work with him on something similar to what he came up with. I believe it is important that we do that, and I am certainly making a commitment that we will work to see what we can come up with on medical criteria legislation to, in effect, get rid of the bad cases and allow these two sets of victims to move forward.

This FAIR Act we have before the Senate is anything but fair. I have explained how this bill will harm victims by trapping them in administrative claims systems which are irreparably defective and doomed to failure.

One of the primary reasons the trust fund is doomed to fail is because of unrealistic and sloppy calculations that led to the \$140 billion trust fund in the first place. In designing this bill, the bill sponsors have not adequately assessed the number of future claims by asbestos victims, the borrowing costs necessary for the trust fund to function, and the administrative costs associated with operating the trust fund and claims system.

Last August, the Congressional Budget Office estimated the program could generate as much as \$150 billion in claims, leaving the trust fund way short, billions of dollars short. As I have explained, even that figure understates the problem because the bill does not adequately take into account the trust fund's borrowing costs, further depleting the compensation available to victims. The CBO estimates approximately \$8 billion will be borrowed before the first decade, an amount that will saddle the fund with huge debt-

service costs over the life of the program. The Senate Budget Committee, through its own analysis, also concludes that taxpayers will have to finance a significant amount of the fund's debt service. Contributions to the fund will occur over a 30-year period, but most of the claims are expected in the early years of the program. That is what the borrowing is all about.

I have spoken to Karl Rove, one of the President's top men. He is talking about setting up some kind of a task force made up of Members of Congress and others to look at the huge costs that are out there. They are getting higher every day.

We will have a vote in the next few weeks on increasing the debt ceiling from \$8.2 trillion to—I don't know how high the administration wants it raised. If people are concerned about the deficit, they have to look at this bill before the Senate, this asbestos bill. Other experts believe it is on even less solid fiscal footing than CBO. For instance, the Bates White economic consulting firm has concluded the program will cost as much as \$600 billion or more. This is not some front by the asbestos lawyers. It amended its analysis and found another \$90 billion error in CBO's analysis because the CBO underestimated the number of cancer victims who will likely file claims.

The pending question on this bill is a long-term spending budget point of order by Senator ENSIGN, my colleague from Nevada. The 2006 budget resolution prohibits any net increase in direct spending in excess of \$5 billion in any of the four 10-year periods from 2016 through 2055. Based on its own estimates, which are inadequate, the CBO concluded that enacting the asbestos bill would violate that spending prohibition.

In the substitute bill, the bill's sponsors attempted to cure these budgetary concerns and assured this body that there will be no Federal borrowing. Their efforts failed. First, the substitute contained new language that the bill: is not intended to increase the deficit or impose any burden on the taxpayer.

Stating the intention, however, cannot erase the effects of this bill. The bill will increase an entitlement for asbestos victims and has obligated the Federal Government to provide compensation to those victims. Throughout the fund's existence, the Federal Government is obligated to pay regardless of the actual amounts raised for the fund through company contributions, and this contributions remains so long as the fund is operational.

Last week I gave the example of 4 companies, each an American company over 100 years old. They will all go bankrupt if this bill passes. One is an engineering/consulting firm. One makes wire. They will go out of business. Right now, they have taken care of their asbestos claims. They, like a lot of businesses, purchased insurance.

One of the companies pays nothing, zero, for asbestos claims. If this bill passes, they will pay \$19.5 million a year. They cannot do it. They will go broke. It is unfair. Based on the timing issues and expected shortfalls discussed above, taxpayers most certainly will shoulder some of the costs related to this fund.

The managers' substitute bill provides that in assessing whether there are sufficient moneys in the trust fund to continue paying out the claims, the administrator of the fund can only consider nontaxpayer resources, but these funds include funds borrowed from the taxpayer. If anything, this language increases the likelihood that the trust fund administrator will be forced to use taxpayer dollars to finance the fund.

Let's be realistic about this. Black lung was supposed to cost \$3 billion; it is now up to \$41 billion. Once these programs start, these entitlement programs, Congress does not cut them off. Despite the bill's sponsors' best efforts, the bill continues to have enormous financial implications for the Federal Government and the American taxpayers. Federal spending on asbestos claims facilitated by this bill will violate the 2006 budget resolution and require borrowing of taxpayer dollars in order to function.

Again, the budget point of order is valid and should be sustained. But if the point of order is sustained, that will not be the end of the asbestos debate. We need to do something. I have stated now, today, for the third time, I am committed to work with Senator CORNYN, and Senator DURBIN is my designee to work with him to come up with an approach that will allow these asbestos cases that are bad to get out of the system. We can move forward on this issue. But the pending bill is not the way to do it. It is a bad bill, and in light of the serious budget problems we are having in the country, with an \$8.2 trillion debt ceiling about to be violated, it is important that we get this bill off the floor and do other things. One of the things we will continue to do is, this year, work on the asbestos litigation problem.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the House message to accompany H.R. 4297.

The Acting President pro tempore laid before the Senate a message from the House of Representatives disagreeing to the amendment of the Senate to the bill (H.R. 4297) entitled "An Act to provide for reconciliation pursuant to section 201(b) of the concurrent

resolution on the budget for fiscal year 2006," and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate insists on its amendment and agrees to the request of the House for a conference.

Who yields time?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield myself such time as I may consume off of the time that has been designated on the pending issue.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LOTT. Mr. President, it is Monday at noon and I think the people's business needs to be attended to sooner rather than later, in the daylight rather than at night, so I rise to point out my concern that the Senate continues to fiddle while Rome burns. I have no idea why there is a justification for up to 10 hours of debate and multiple motions to instruct on this tax reconciliation. We have been through this already multiple times. This convoluted procedure is, in my opinion, very unhelpful for the legislative process and for the relationship between the two sides of the aisle. There is no need for this. The Senate has voted twice already on this and 66 Senators are for this bill—or 68, 66 and 68. Go back and look at the RECORD. So we are going to go to conference.

We can't let these motions to instruct prevail. By the way, they are outrageously ridiculous, anyway. Nobody pays any attention to that. I hope to be a conferee. Do you think I am going to pay any attention to any motions to instruct me? Baloney.

The Senate leadership that is responsible for the way we do our business and the way we appear to the American people needs to get a grip on this situation. The very idea that there would be even 3 motions to instruct, let alone 8, 9, 10—we have to stop this. We have had our chance to make our speeches. We don't need to eat up 3, 5, 10 hours of debate on this bill. What in the heck are we going to say? Are we going to talk about the snow event this weekend? Nobody is going to be snowed by what is going on here. This is delay and obstruction. We need to find a way to get over this. I realize Senators have their rights to have motions to instruct. But how can we move this process forward?

That leads me to my next point, in terms of fiddling while there is a problem that is getting worse. If you talk to the American people, an awful lot of